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In re Application of :
AMBARDEKAR, Vishvas P. :
U.S. Application No.: 10/520,365 :
PCT No.: PCT/IN02/00143 :
Int. Filing Date: 02 July 2002 :
Priority Date: None :
Attorney Docket No.: None :
For: ECCENTRIC GEARBOX :

**DECISION ON
PETITION FOR REVIVAL
UNDER 37 CFR 1.137(b)**

This decision is in response to the "Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 August 2005.

BACKGROUND

On 06 January 2005, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 of international application PCT/IN02/00143.

On 22 July 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicating that the date of completion of all 35 U.S.C. 371 requirements was 06 January 2005.

On 10 August 2005, applicants filed a petition to revive under 37 CFR 1.137(b) which was accompanied by, *inter alia*, the \$65.00 surcharge fee.

DISCUSSION

Application is Abandoned

A review of the above-captioned application file reveals that the original papers were not received until 06 January 2005 which is more than thirty months from the earliest claimed priority date.

Accordingly, the above-captioned application is hereby abandoned for failure to timely pay the basic national fee. See 37 CFR 1.495(h).

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 22 July 2005 is hereby **VACATED**.

Petition to Revive Under 37 CFR 1.137(b)

In the response filed 10 August 2005, applicant submitted a petition to revive under 37 CFR 1.137(b) which is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicant included the statement that "[t]he entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant included the surcharge fee of \$65.00 for late filing of the declaration with the subject petition.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 July 2002 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 10 August 2005.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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